

**RULES
OF
TENNESSEE DEPARTMENT OF HUMAN SERVICES
FAMILY ASSISTANCE DIVISION**

**CHAPTER 1240-1-37
EMERGENCY ASSISTANCE PROGRAM**

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1240-1-37-.01 DEFINITIONS.

- (1) Application. An application shall consist of:
- (a) The form requesting emergency assistance which is completed by the parent, other adult relative of the child, or by the state agency on behalf of the child; or
 - (b) During the period beginning with the effective date of the State Plan on January 1, 1992 through March 31, 1993:
 - 1. The agreement to participate in Home Ties;
 - 2. The admission form to a psychiatric hospital;
 - 3. A referral order from the Juvenile Court to an Assessment, Care, and Coordination Team (ACCT) for the pre-custodial assessment of a child; or
 - 4. A referral for foster care placement for the child.
 - (c) The documents in subparagraph (b) shall be supplemented with a confirmation of eligibility form which establishes eligibility for emergency assistance under these rules.
- (2) Emergency. Any situation where a child under age 21:
- (a) Has been removed from the household by court order; or
 - (b) Has not been removed from the household by court order, but is a runaway child or has been abandoned by his or her parent(s) or relative(s); and
 - (c) Has, as a result of either of the situations listed above in subparagraphs (a) or (b), been placed in the custody of the Department of Human Services, Department of Youth Development, Department of Mental Health and Mental Retardation, or a program or facility operated by the Juvenile Court;
 - (d) Is in "imminent risk of removal" from the household as defined under guidelines maintained by the above departments, as established in Appendices A - C, or in the case of a Juvenile Court, is the subject of a pre-custodial order of reference by the court to any one or the above

(Rule 1240-1-37-.01, continued)

departments or the Assessment, Care, and Coordination Teams (ACCTs) based upon a pending legal proceedings before that Juvenile Court;

- (e) During the period from the effective date of the State Plan on January 1, 1992 through March 31, 1993, received Home Ties services, psychiatric care, pre-custodial assessment by the ACCT, or who is placed in foster care; and
 - (f) Who in any situation listed in (a), (b), (d), or (e) within six months prior to the month in which such assistance is requested, has been living with any of the relatives specified in Attachment 2.2-A, Page 2 of the Title IV-A State Plan, i.e., parent(s), grandparent(s), adoptive parent(s), stepparent(s), sibling(s), aunt(s), uncle(s), or cousin(s).
- (3) Household. A group of persons together consisting of a child or children together with his/her/their parent(s), grandparent(s), adoptive parent(s), stepparent(s), sibling(s), aunt(s), uncle(s), or cousin(s).
 - (4) Imminent Risk of Removal. A situation involving the likelihood of the taking of a child or children from the household by court order or other legal authority or due to private actions of the household members or the child(ren).

Authority: TCA . 71-1-105(12); 45 CFR §233.120. **Administrative History:** Original rule filed September 1, 1993; effective November 15, 1993.

1240-1-37-.02 ELIGIBILITY CRITERIA.

- (1) A family is eligible for emergency assistance if each of the following criteria is met:
 - (a) Except as set forth in 1240-1-37-.01 (1)(b) and (c), the application must be filed by the child's parent, except where both parents are absent or unwilling to apply on behalf of children who meet all other eligibility conditions, in which case another adult relative or the state agency acting on behalf of a child may file the application.
 - (b) An emergency as defined above exists in the family and the emergency did not arise out of a parent's refusal, without good cause, to accept employment or training for employment. Except for the period from the effective date of the State Plan on January 1, 1992 through March 31, 1993, the determination of the existence of an emergency will be made within 48 hours of the application.
 - (c) A child in an emergency situation is, or within six months prior to the month in which such assistance is requested, has been living with one or both parents or a grandparent, adoptive parent, stepparent, sibling, aunt, uncle, or cousin.
 - (d) The applicant family is receiving AFDC, SSI, food stamps, or coverage in the month of application or does not have resources available to provide needed emergency care or services as described in 1240-1-37-.03 or 1240-1-37-.04.
 - (e) The child's income alone is considered in the income test of subparagraph (d) when:
 - 1. the child's parents cannot be located,
 - 2. the parents refuse to cooperate in supporting the child or applying for emergency assistance, or

(Rule 1240-1-37-.02, continued)

3. the child has Home Ties services, psychiatric care, a pre-custodial assessment by the ACCT, or foster care from the effective date of the State Plan on January 1, 1992, through March 31, 1993, and such income would not have covered the entire costs of these services, and
 4. the emergency assistance is necessary to avoid destitution of the child or to provide or continue living arrangements in a home or child care facility.
- (f) The applicant is not a family or family member whose last emergency assistance authorization period began less than 12 months prior to the proposed eligibility date.
- (2) Unanticipated income received by the family member after the emergency assistance application will not result in ineligibility or overpayment.
- (3) Emergency assistance (EA) eligibility will be effective as of the date of application after review of the EA application by a designated EA eligibility person after verification of the listed in paragraph (1).

Authority: TCA §71-1-105(12); 45 CFR §233.120. **Administrative History:** Original rule filed September 1, 1993; effective November 15, 1993.

1240-1-37-.03 KINDS OF ASSISTANCE PROVIDED TO MEET EMERGENCY SITUATIONS.

- (1) Assistance provided to meet emergency situations shall include:
- (a) Shelter care;
 - (b) Family foster care;
 - (c) Residential or psychiatric group care for children separated from their parents; and
 - (d) Food, clothing, and supervision paid at the same rates as those established by the state for the child welfare foster care program.
- (2) From the effective date of the State Plan on January 1, 1992 through March 31, 1993, assistance provided shall be limited to family foster care and residential or psychiatric group care for children separated from their parents.
- (3) The above assistance is limited to a maximum duration of 90 days or less as necessary to alleviate the emergency condition and must be authorized within a single 30-day period no less than 12 months after the beginning of the family's latest emergency authorization period.

Authority: TCA §71-1-105(12); 45 CFR. §233.120. **Administrative History:** Original rule filed September 1, 1993; effective November 15, 1993.

1240-1-37-.04 KINDS OF SERVICE PROVIDED TO MEET EMERGENCY SITUATIONS.

- (1) As determined appropriate and necessary by the Departments of Human Services, Youth Development, Mental Health and Mental Retardation, or the Juvenile Courts, the following services may be provided to alleviate the emergency conditions to avoid out-of-home placement of a child at risk or other unusual circumstances:
- (a) Assessment;

(Rule 1240-1-37-.04, continued)

- (b) Development of a plan of care;
 - (c) Referral to and securing of community-based services;
 - (d) Case management;
 - (e) Counseling;
 - (f) Home-Ties;
 - (g) Community intervention services;
 - (h) Wraparound services;
 - (i) Parenting education and training;
 - (j) Homemaker services;
 - (k) Household management services;
 - (l) Child care; or
 - (m) Child respite care.
- (2) From the effective date of the State Plan on January 1, 1992 through March 31, 1993, services shall be limited to pre-custodial assessment by the ACCT and Home Ties.
- (3) The above services are limited to a maximum duration of 90 days of service or less as determined necessary by the above Departments to alleviate the emergency condition or other unusual circumstances or to avoid out-of-home placement of a child, and must be authorized a single 30-day period no less than 12 months after the beginning of the family's last emergency assistance authorization period.

Authority: TCA . 71-1-105(12); 45 CFR . 233.120. **Administrative History:** Original rule filed September 1, 1993; effective November 15, 1993.

1240-1-37-.05 ACTIVITIES RELATED TO THE ADMINISTRATION OF THE EMERGENCY ASSISTANCE PROGRAM.

- (1) In addition to the services specified in rules 1240-1-37-.03 and 1240-1-37-.04, the Departments of Human Services, Development, Mental Health and Mental Retardation, and the Juvenile Courts will engage in activities incidental and necessary for the proper and efficient administration of the Emergency Assistance Program.
- (2) These activities will include:
- (a) Investigation of emergency conditions;
 - (b) Activities supporting determination of Emergency Assistance eligibility;
 - (c) Information and referral;

(Rule 1240-1-37-.05, continued)

- (d) Case management;
- (e) Counseling;
- (f) Court-related activities and related legal services;
- (g) The securing of shelter and child care; and
- (h) Other administrative activities.

Authority: TCA . 71-1-105(12); 45 CFR . 233.120. **Administrative History:** Original rule filed September 1, 1993; effective November 15, 1993.

1240-1-37-.06 TERMINATION OF PROGRAM.

This program shall terminate upon exhaustion of available state funding.

APPENDIX A

CRITERIA OF THE DEPARTMENT OF HUMAN SERVICES FOR DETERMINATION OF IMMINENT RISK OF REMOVAL OF A CHILD IN EMERGENCY ASSISTANCE APPLICATIONS

1. The child in the family is seriously emotionally disturbed; or
2. The child is displaying behavior that puts him/her in serious conflict with his/her family, school, or community (including unruly youth and status offenders); or
3. The child has been adjudicated delinquent or has pending delinquent charges, but the child does not have pending charges for, nor has the child been adjudicated of, serious crimes against the person; or
4. The child is receiving after-care supervision from the Department of Youth Development; or
5. The child has been determined by the department's child protective services staff or the court to be abused, neglected, or dependent; and
6. In any of the above situations, a field staff person of any department, an Assessment, Care, and Coordination Team (ACCT) case manager, Home-Ties specialist, or Juvenile Court judge, youth, or probation officer, has reviewed the child's status and determined that all other less intensive services within the community have been exhausted or are not sufficient to avert placement.

APPENDIX B

CRITERIA OF THE DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION FOR DETERMINATION OF IMMINENT RISK OF REMOVAL OF A CHILD IN EMERGENCY ASSISTANCE APPLICATIONS

1. The child has a history of hospitalization or out-of-home placements for serious emotional problems; or
2. The child appears, within 48 hours of contact, to be at imminent of hospitalization or out-of-home placement at state expense for his/her emotional problems; or

(Rule 1240-1-37-.06, Appendix B, continued)

3. The child is seriously emotionally disturbed as evidenced by clinical diagnosis of a major mental illness; or
4. The child has functional problems of sufficient severity to result in substantial limitations of major life activities in two or more of the following categories:
 - a. Self-care at an appropriate developmental level;
 - b. Perceptive and expressive language;
 - c. Learning self-direction; or
 - d. Capacity for living in a family or family equivalent.

APPENDIX C

CRITERIA OF THE DEPARTMENT OF YOUTH DEVELOPMENT FOR DETERMINATION OF IMMINENT RISK OF REMOVAL OF A CHILD IN EMERGENCY ASSISTANCE APPLICATIONS

1. A child or adolescent who is currently under the Department or Youth Development supervision; and
2. There has been a petition filed for violation of parole or a petition for new offense has been filed; and
3. The child untold likely enter gate custody unless intensive home and community-based services are provided.

Authority: TCA . 71-1-105(12); 45 CFR . 233.120. **Administrative History:** Original rule filed September 1, 1993; effective November 15, 1993.